

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

DANIEL JABLONSKI,)
Plaintiff,)
)
v.)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
Defendant.)
)
Civil Action No. 1:11-cv-00243-MR-DSC

ORDER

THIS MATTER IS BEFORE THE COURT on the “Amended Consent Motion For Entry Of Order Accepting The Parties’ Settlement Agreement On Attorney’s Fees” (document #15) filed July 11, 2012. The parties agree in this case that Plaintiff should be awarded an attorney’s fee under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412(d), in the amount of \$2,172.56. The parties further agree that Plaintiff is entitled to reimbursement of court costs in the amount of \$350.00.

IT IS ORDERED that the “Amended Consent Motion For Entry Of Order Accepting The Parties’ Settlement Agreement On Attorney’s Fees ” is **GRANTED**, to the extent that the Court will award attorney’s fees in the amount of \$2,172.56, and that pursuant to *Comm ’r of Soc. Sec. v. Ratliff*, ---- U.S. ----, 130 S.Ct. 2521 (2010), the fee award will first be subject to offset of any debt Plaintiff may owe to the United States. The Commissioner will determine within thirty days of this Order whether Plaintiff owes a debt to the United States. If so, the debt will be satisfied first, and if any funds remain, they will be made payable to Plaintiff and mailed to Plaintiff’s counsel. If the United States Department of the Treasury reports to the Commissioner that the Plaintiff does not owe a federal debt, the Government will exercise its discretion and honor the Plaintiff’s June 26, 2012 assignment of EAJA fees, and pay the awarded fees directly to Plaintiff’s counsel. No

additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.

It is further **ORDERED** that Plaintiff will be reimbursed for court costs in the amount of \$350.00, to be paid from the Judgment Fund.

SO ORDERED.

Signed: July 11, 2012



David S. Cayer
United States Magistrate Judge

